

ALICE R. SWETT

APRIL 3 (legislative day, MARCH 30), 1942.—Ordered to be printed

Mr. Brooks, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 4331]

The Committee on Claims, to whom was referred the bill (H. R. 4331) for the relief of Alice R. Swett, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1862, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1862, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 4331) for the relief of Alice R. Swett, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Strike out all the language starting with the word "That" in line 3, down to and including the year "1939" in line 11, and insert in lieu thereof "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alice R. Swett, of Portland, Maine, the sum of \$4,523.89, in full settlement of her claim against the United States for personal injuries sustained by her when the car in which she was riding was struck by a truck operated in connection with the Civilian Conservation Corps, on September 5, 1939, in Searsburg, Bennington County, Vermont:"

The purpose of the proposed legislation is to pay to Alice R. Swett, the sum of \$4,523.89, in full settlement of her claim for personal injuries sustained when the car in which she was riding was struck by a Government truck operated in connection with the Civilian Conservation Corps, in Bennington County, Vt., on September 5, 1939.

STATEMENT OF FACTS

On September 5, 1939, at about 3:30 p. m., a Government truck on official business, was proceeding in an easterly direction on United States Highway No. 9, in the township of Searsburg. While descending a hill on a right curve, the Government truck crossed to the left side of the road in an attempt to pass a slowly moving lumber truck, going in the same direction. At that moment, a

car owned and operated by Robert S. Swett, of West Springfield, Mass., who was accompanied by his wife, approached from the opposite direction, on his proper side of the road. Before the Government driver could regain his proper side of the road, the two vehicles collided, and both Mr. and Mrs. Swett were seriously injured.

As a result of the accident, Mrs. Swett, according to Dr. E. M. Gardinier, had nine ribs broken on left side of chest, bruises of left arm, sprain of left ankle, and numerous cuts and bruises on her body. As of September 10, 1941, her condition was much improved, but her nervous system was still badly shocked, and she was unable to work at that time, and may never be able to resume her previous occupation as nurse.

The War Department recommends the enactment of the legislation in whatever amount Congress, in its discretion, believes appropriate. Your committee recommend that Mrs. Swett be paid \$589.97 for hospital expenses, \$50 for doctor's expenses, \$378 for nursing services, \$5.92 telephone bill, \$3,500 for pain and suffering for her own injuries, making a total of \$4,523.89.

Appended hereto is report of the War Department, together with other pertinent evidence.

WAR DEPARTMENT,
Washington, May 14, 1941.

HON. DAN R. MCGEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

DEAR MR. MCGEHEE: The War Department will interpose no objection to the enactment of H. R. 4331, Seventy-seventh Congress.

The purpose of the bill is to pay to Alice R. Swett, of Portland, Maine, the sum of \$37,671.80, in full satisfaction of her claim against the United States arising from personal injuries sustained when the car in which she was riding was struck by a Government truck operated in connection with the Civilian Conservation Corps on Route No. 9, in Searsburg, Bennington County, Vt., on September 5, 1939. Attention is, however, invited to the fact that the bill as drafted appears to cover only the personal injuries suffered by Mrs. Swett, whereas information of record in the Department discloses that the sum in question, \$37,671.80, comprises various items covering financial loss to Mrs. Swett resulting from the death of her husband; actual medical and hospital expenses incurred for herself and Mr. Swett, and expenses incident to the funeral of Mr. Swett; an estimated amount for her past and present suffering, expenses of convalescence, and anticipated permanently lessened earning capacity as a registered nurse; and loss incident to the destruction of the automobile.

On September 5, 1939, at about 3:30 p. m., a Government truck, operated in connection with the Civilian Conservation Corps, on official business, was proceeding in an easterly direction on United States Highway No. 9, in the township of Searsburg, Vt. While descending a hill on a right curve, the Government driver crossed to the left side of the road in an attempt to pass a slowly moving lumber truck proceeding in the same direction. At that moment a car owned and operated by Robert S. Swett, of West Springfield, Mass., who was accompanied by his wife, Alice Swett, approached from the opposite direction, on its proper side of the road. Before the Government driver could regain his proper side of the road the two vehicles collided, and both Mr. and Mrs. Swett were severely injured. Mr. Swett died as a result of his injuries at 1:50 p. m., September 8, 1939. Mrs. Swett sustained cuts and bruises and fractures of all the ribs on the left side of chest.

As a result of the accident, a claim was filed with the War Department by Mrs. Swett in the amount of \$94,883, itemized as follows:

Salary received by Mr. Swett (age 51) was \$5,000 per year (exclusive of bonuses). Anticipated earning capacity to the age of 65 (14 years) ..	\$70, 000
Annual bonus of \$1,000 per year for 14 years	14, 000
Personal injuries sustained by Mrs. Swett	10, 000
Total loss of 1939 Ford V-8 convertible coupe, original cost	883
Total	94, 883

The above-mentioned amount includes medical and hospital expenses incurred for the treatment of Mr. and Mrs. Swett and funeral expenses for Mr. Swett, totaling \$1,966.74, as evidenced by unpaid bills. The amount of \$883 claimed

for the destruction of the automobile represented the cost of the car when purchased new about 4 months prior to the accident. The damage to the car was not covered by insurance.

Mr. Swett was 51 years of age at the time of his death, and his only surviving dependent was Mrs. Swett, 45 years of age, who was entirely dependent upon him for support.

The Government driver was arrested on the charge of careless and negligent operation of a motor vehicle resulting in death, pleaded guilty to the charge, and was sentenced to pay a fine of \$300 and costs amounting to \$17.45 and to serve not less than 1 nor more than 2 years in the House of Correction. The prison sentence was suspended and the prisoner was placed on probation.

A board of officers convened to investigate the claim recommended that an award of \$37,671.80 be made to Mrs. Swett, said sum comprising the following items:

For death of Robert S. Swett, and resulting financial loss to his widow, Mrs. Robert S. Swett.....	\$42,000.00
For personal injuries and resulting financial loss by reason of decreased earning capacity, suffering, convalescence, treatment, etc.....	7,500.00
For total loss of 1939 Ford V-8 convertible coupe.....	765.02
For hospital, medical, and funeral expenses.....	1,966.74
Total.....	52,231.76
Less total amount of insurance paid to Mrs. Swett.....	14,559.96
Total.....	37,671.80

Mrs. Swett has expressed her willingness to accept this amount in satisfaction of her claim.

Final action on the claim of Mrs. Swett was not taken in view of legislation then pending for the relief of the estate of Robert S. Swett (H. R. 8062, 76th Cong.), on which the Department submitted a favorable report to your committee on May 7, 1940.

It is the view of the War Department that the proximate cause of the accident was the negligence of the Government driver in that, in violation of State motor-vehicle laws, he drove to the left side of the road to pass another vehicle while going downhill and around a curve where his vision was obstructed, thereby encroaching upon the right-of-way to which Mr. Swett's car was entitled. Since, therefore, it appears that Mrs. Swett has suffered personal injuries and financial loss as a result of the accident and through no fault or negligence on her part or that of Mr. Swett, but wholly through negligence on the part of the Government driver, the Department will, as above stated, interpose no objection to the enactment of legislation to compensate her for such personal injuries and financial loss in such amount as the Congress, in its discretion, may deem proper to allow.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

BENNINGTON, Vt., September 4, 1941.

This is to certify that Mrs. Alice M. Swett was under my care in September 1939 to November 1939 with injuries resulting from an automobile accident in which her husband was killed.

She had nine ribs broken on left side of chest, bruising of left arm, sprain of left ankle, and numerous cuts and bruises on body.

She is, at the present time, in fairly good physical condition but still suffers from the severe nervous shock of the accident and is unable to support herself.

E. M. GARDINIER, M. D.

BENNINGTON, Vt., September 10, 1941.

This is to certify that I attended Mrs. Alice Swett at Putnam Memorial Hospital, Bennington, Vt., from September 5, 1939, to November 11, 1939, inclusive.

Mrs. Swett was a patient at the hospital due to an automobile accident on Searsburg Mountain when a United States Government truck struck their car head-on.

Also due to the same accident her husband, Mr. Robert Swett, died on September 8, 1939, from injuries which he received.

Mrs. Swett had the ribs on her left side of chest fractured from the second to tenth, inclusive. She also received a badly bruised left shoulder and many contusions and abrasions on her entire body.

Her present condition is vastly improved but her nervous system is still badly shocked and she is unable to work at present and may never be able to resume her previous occupation as nurse.

Subscribed and sworn to.
[SEAL]

E. M. GARDINIER, M. D.

Arthur F. CRONIN,
Notary Public.

BENNINGTON, VT., September 1939.

No. 44701

Mrs. Alice Swett, to Henry W. Putnam Memorial Hospital, Dr.

Private room No. 14 at \$6 per day from Sept. 5 to 12	\$42. 00
Drugs and antitoxin	2. 15
X-ray examinations	10. 00
Laboratory fees	6. 00
Total	60. 15

No. 44879

BENNINGTON, VT., October 1939.

Mrs. Alice Swett, to Henry W. Putnam Memorial Hospital, Dr.

Private room at \$6 per day from Sept. 12 to Oct. 3 (3 weeks)	\$126. 00
Special nurse's board at \$1 per day from Sept. 12 to Oct. 3	21. 00
Balance brought forward, bill No. 44701	60. 15
Total	207. 15

No. 44932

BENNINGTON, VT., October 1939.

Mrs. Alice Swett, to Henry W. Putnam Memorial Hospital, Dr.

Private room at \$6 per day from Oct. 3 to 10	\$42. 00
Special nurse's board at \$1 per day from Oct. 3 to 10	7. 00
Drugs	2. 80
X-ray examinations Oct. 11, chest	10. 00
Balance brought forward, bill No. 44879	207. 15
Total	268. 95

No. 45016

BENNINGTON, VT., October 1939.

Mrs. Alice Swett, to Henry W. Putnam Memorial Hospital, Dr.

Private room at \$6 per day from Oct. 10 to 24 (2 weeks)	\$84. 00
Special nurse's board at \$1 per day from Oct. 10 to 24	14. 00
Drugs	2. 50
Balance brought forward, bill No. 44932	268. 95
Total	369. 45

No. 45053

BENNINGTON, VT., October 1939.

Mrs. Alice W. Swett, to Henry W. Putnam Memorial Hospital, Dr.

Private room, at \$6 per day, from Oct. 24 to 31	\$42. 00
Special nurse's board, at \$1 per day, from Oct. 24 to 31	7. 00
Anesthetic fee, phones	5. 92
Drugs	2. 75
X-ray treatments, Oct. 4, 11, 18, 25, at \$2	8. 00
Diathermy treatments, Oct. 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, at \$2	30. 00
Balance brought forward, bill No. 45016	369. 45
Total	465. 12

No. 45099

BENNINGTON, VT., November 1939.

Mrs. Alice Swett to Henry W. Putnam Memorial Hospital, Dr.

Private room, \$6 per day, from Oct. 31 to Nov. 11 (11 days)-----	\$66. 00
Special nurse's board, \$1 per day, from Oct. 31 to Nov. 11-----	11. 00
Drugs-----	3. 85
X-ray examinations, chest-----	10. 00
Treatments:	
12, at \$2, diathermy-----	24. 00
10, at \$1, ultra violet-----	10. 00
Balance brought forward, bill No. 45053-----	465. 12
Total-----	589. 97

No. 19

NOVEMBER 1939.

Mrs. Alice Swett, Putnam Hospital, to Wilhelmina H. Hicks, nurse, Dr.

For professional services at Putnam Hospital from Sept 8 and 9, Sept. 12 to Nov. 12, 1939 (63 days)-----	\$378
Received payment.	

BENNINGTON, VT., November 11, 1939.

Mrs. Robert S. Swett, to E. M. Gardiner, M. D., Dr., for care of Robert S. Swett and Alice Swett.

For services rendered to date-----	\$150
Received payment.	

HENRY W. PUTNAM MEMORIAL HOSPITAL,
Bennington, Vt.

File No.: 4978

Name: Swett, Mrs. Alice

Address: Springfield, Mass.

Parts taken: Chest, ribs stereo.

Occupation: _____

X-ray No. _____

Date: September 6, 1939.

Technique: October 11, 1939.

Referred by Dr. Gardinier.

Summary diagnosis.—On the left side the ribs present fracture on the posterior aspect from the second to the tenth, inclusive. The spinal column apparently is free. Clavicles and scapulae free from evidence of fracture.

October 11, 1939.—No alteration in the relationship of the fractures in the ribs. Callus formation is evident, but not yet complete.

November 8, 1939.—The fractures in the ribs, left side, all present a complete process of organization, with calcium salts in abundance.

Telephone calls on Mrs. Swett's bill

Sept. 9: Cohasset (telephone)-----	\$0. 47
Sept. 9: Brockton (telephone)-----	. 57
Sept. 9: Belfast (telephone)-----	. 66
Sept. 9: Hyde Park (telephone)-----	. 47
Sept. 9: Manchester, N. H.-----	. 80
Sept. 10: Portland, Maine-----	. 60
Total-----	3. 57
Oct. 23: Springfield-----	2. 35
Grand total-----	5. 92

